

U.S.S.N. 08/999,752

Amendment Under 37 CFR § 1.115

Page 2 of 3

In the claims:

1 - 22 (Canceled)

23. (New) A product suitable for delivering a pharmaceutical aerosol formulation comprising,

(a) an aerosol canister comprising a container closed with a metering valve, said container further comprising a pharmaceutical aerosol formulation substantially free of surfactant comprising, a bronchodilator selected from the group consisting of ephedrine, adrenaline, fenoterol, formoterol, isoprenaline, metaproterenol, phenylephrine, phenylpropanolamine, pirbuterol, reproterol, rimiterol, salbutamol, salmeterol, terbutaline, isoetharine, tolubuterol and orciprenaline or a salt thereof, a fluorocarbon propellant, and 6% to 25% of a polar co-solvent, and

(b) an actuator with a spray orifice aperture of from about 100 to about 300 microns,

wherein said canister fits into the actuator.

24. (New) The product according to Claim 23, wherein the bronchodilator is substantially insoluble in the co-solvent.
25. (New) The product according to Claim 23 or 24, wherein the bronchodilator is in the form of a salt.
26. (New) The product according to Claim 23, wherein the bronchodilator is a salt of salbutamol.
27. (New) The product according to Claim 23, wherein the bronchodilator is a salt of formoterol.
28. (New) The product according to Claim 23, wherein the canister is actuated by a breath operated device.

*U.S.S.N. 08/999,752**Amendment Under 37 CFR § 1.115**Page 3 of 3*

29. (New) The product according to any one of the preceding Claims, wherein the propellant is 1,1,1,2-tetrafluoroethane or 1,1,1,2,3,3,3-heptafluor-n-propane.

The Applicant avers that the claims as amended do not introduce new matter. Support for these amendments may be found throughout the specification published as WO 98/05302, at for example, page 2, 2nd to 4th full paragraph, and page 3, last paragraph to page 6.

CONCLUSION

Applicant respectfully submits that the claims as amended are in condition for allowance. However, if the Examiner believes that any further discussion of this communication would be helpful, the Examiner is encouraged to contact the undersigned.

No additional fees are believed to be due in connection with this communication. However, please apply any charges, or credit any overpayment, to our Deposit Account No. 50-0943.

Respectfully submitted,

S. Levi-Minzi

Simona Levi-Minzi, Ph.D., Esq.
Registration No. 43,750
Attorney for the Applicants

IVAX Corporation
4400 Biscayne Blvd.
Miami, FL 33137
(305) 575-6075
(305) 575-6064 (fax)

Date: September 15, 2003

OFFICIAL

**RECEIVED
CENTRAL FAX CENTER**

SEP 15 2003